United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DCG SYSTEMS, INC.,	)	Case No.: C 11-03792 PSG
Plaintiff,	))	**ORDER RE PARTIES' OCTOBER 2, 2012 DISCOVERY MOTIONS**
v.	))	
CHECKPOINT TECHNOLOGIES, LLC,	)	**(Re: Docket Nos. 124, 128, 134)**
Defendant.	))	
	))	

In this patent infringement suit, the parties bring three motions: (1) Plaintiff DCG Systems, Inc.'s ("DCG") motion to compel further responses to requests for production and second set of interrogatories; (2) DCG's motion for sanctions; and (3) Defendant Checkpoint Technologies LLC's ("Checkpoint") motion for protective order and cost-shifting. The parties oppose each other's respective motions. On October 2, 2012, the parties appeared for hearing. Having reviewed the papers and considered the arguments of counsel, the court is of the opinion that a lengthy opinion is less desirable than a set of clear, even if terse, rulings that will allow this matter to move forward without further undue friction.

IT IS HEREBY ORDERED that DCG's motion to compel is GRANTED.

Except for email, Checkpoint shall produce documents responsive to DCG's document requests and not merely relevant to the disputed issues in this case as determined by Checkpoint. For email, Checkpoint shall produce documents using search terms as a proxy for responsiveness.

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As the parties agreed in their joint case management statement,[1] documents, including those on the August 22 and 23 hard drives, shall be produced with a Concordance load file.

No later than October 26, 2012, Checkpoint shall further respond to interrogatory no. 9. All other discovery shall be produced no later than November 9, 2012.
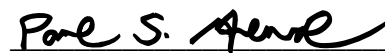
IT IS FURTHER ORDERED that DCG's motion for sanctions is DENIED.

IT IS FURTHER ORDERED that Checkpoint's motion for protective order is GRANTED-IN-PART.

Because Checkpoint produced documents on a hard drive on October 1, 2012, including responsive .pst email files, DCG shall promptly return the .pst email files Bates range CP 00108426-CP108428 that Checkpoint inadvertently produced on August 22 and 23, 2012. Checkpoint's request for cost-shifting is denied.

IT IS SO ORDERED.

Dated: 10/19/2012

Paul S. Grewal

PAUL S. GREWAL
United States Magistrate Judge

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[1] _See_ Docket No. 25, at ¶8B.

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